

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Directors of the Ohio
Conference of Plasterers and
Cement Masons Combined Funds, Inc.,

Plaintiffs,

v.

Case No. 1:18cv188

S & S Plastering LLC,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on August 14, 2019 (Doc. 20), as well as the Supplemental Report and Recommendation (“R&R”) filed on March 31, 2020 (Doc. 25).

As to each R&R, proper notice was given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections were filed as to either of the R&Rs.

Although no objections were filed, the Court nonetheless reviewed this matter *de novo* pursuant to § 636(b) and Fed. R. Civ. P. 72(b) given the questions presented. Based on that review, the Court finds the reasoning of the Magistrate Judge to be correct.

In the March 31, 2020 R&R (Doc. 25), the Magistrate Judge recommends that the Court adopt the August 14, 2019 R&R (Doc. 20), but as supplemented and modified. Accordingly, it is **ORDERED** that the March 31, 2020 R&R (Doc. 25) is

ADOPTED and the August 14, 2019 R&R (Doc. 20) is **ADOPTED AS MODIFIED**.

Consistent with the most recent recommendations by the Magistrate Judge as set forth in the March 31, 2020 R&R (Doc. 25):

1. Based upon Defendant's failure to comply with the "Audit Order" re-filed on August 14, 2019 (Doc. 21), the Court **FINDS** Defendant and its agent Steven Ray Doyle to be in civil contempt for violating both the July 9, 2019 Order to Show Cause (Doc. 19) and the August 14, 2019 "Audit Order" (Doc. 21);
2. Defendant is ordered to pay Plaintiffs' reasonable expenses, including attorney's fees, incurred in connection with its efforts to reduce the existing default judgment to an amount certain;
3. Specific to the question of attorney's fees, Plaintiffs' Motion for Judgment of Attorney's Fees (Doc. 23), which the Court finds well-supported, is hereby **GRANTED**. Accordingly, the Clerk is **DIRECTED** to enter judgment in favor of Plaintiffs and against Defendant for Plaintiffs' reasonable attorney's fees (as of September 20, 2019) in the amount of \$10,137.00.

The Clerk is **ORDERED** to terminate this case from the active docket. However, the Court retains jurisdiction over this case to enter a judgment for damages in an amount certain in favor of Plaintiffs and against Defendant in the event Plaintiffs move to reopen for that purpose.

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court